No bar on witnesses for Sears jury quiz

By John Gallagher

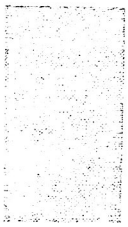
Attorneys will be able to call anybody they wish as witnesses at a Nov. 8 hearing into possible improper conduct by special Black Panther prosecutor Barnabas F. Sears and his aides.

Guidelines for the unusual hearing were spelled out for a Daily News reporter by Criminal Court Judge Philip Romiti, who ordered the hearing Friday and will preside at it.

Romiti said that witnesses could include clerks and others assigned to the special grand jury that investigated the 1969 Black Panther raid, the jurors themselves, witnesses who appeared before the jury and even some of those indicted.

THE JUDGE said it will be up to attorneys on both sides to decide who they want to call as witnesses. The hearing will be very similar to a trial, with the right to cross-examine witnesses.

If Romiti finds that Sears and his aides acted improperly, he could dismiss an indictment voted by the jury against State's Atty. Edward V. Hanrahan and 13 other law enforcement officials.



Sears

Romiti

Three members of the special county grand jury have already charged in sworn affidavits that Sears and his staff pressured them into voting an indictment.

The three jurors are William L. Murtaugh, Joseph M. Ziehlitello and Harvey B. Scott Jr.

A fourth juror, Mrs. Clara Goucher, submitted an unsworn statement that also charged Sears and his aides had pressured the jury into voting an indictment.

THE NOV. 8 hearing is expected to center on two stormy meetings of the jury last April 20 and 21, when Sears reportedly had verbal clashes with some of the jurors.

The jury did not vote an indictment either of the days, but did vote an indictment June 25. It was immediately suppressed by Criminal Court Chief Judge Joseph A. Power and wasn't made public until Aug. 24, when the Illinois Supreme Court ordered Power to open it.

After Romiti ordered the special hearing, Sears told reporters: "I'm going on trial now for my alleged misconduct. Maybe it's better this way. At least it will all come out in the open and everybody will know just how I behaved myself."

SEARS HAS repeately contended that he and his aides did not act improperly and that the transcript of the jury's proceedings shows this.

Defense attorneys have contended that a court reporter left the room during the stormy hearings April 20 and 21 and that no record was kept of these proceedings.

The special grand jury investigated a Dec. 4, 1969, raid staged by 14 state's attorney's policemen on a Panther apartment at 2337 W. Monroe. Two Black Panther leaders, Fred Hampton and Mark Clark, were shot to death in the raid.

The 14 indicted law enforcement officials were charged by the grand jury with conspiracy to obstruct justice for their [illegible] follow-up in-